



MAY 19 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Campbell, Michael J. et al.

Serial No. 10/522,280

Filed: January 24, 2005

For: NOVEL PROCEDURE FOR GROWTH, IMAGING, AND  
ENUMERATION OF MICROBIAL COLONIES FOR  
SEROLOGICAL OR SCREENING ASSAYS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By  MERCK & CO., INC.  
Date 5/17/05

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Anna L. Cocuzzo

Attorney For Applicant(s)

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Date: May 17, 2005

**Substitute for form 1449A/PTO**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(as many sheets as necessary)

1 of 3

***COMPLETE IF KNOWN***

Application Number	11/111,280
Filing Date	January 24, 2005
First Named Inventor	Caulfield, Michael J. et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	20930P

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner Signature \_\_\_\_\_ Date Considered \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<p>Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i></p>				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/522,280
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				First Named Inventor	Caulfield, Michael J. et al.
				Group Art Unit	
Examiner Name					
Sheet	2	of	3	Attorney Docket Number	20930P

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.			
		Abruzzo, G. et al. "Evaluation of the Echinocandin Antifungal MK-0991 (L-743,872): Efficacies in Mouse Models of Disseminated Aspergillosis, Candidiasis, and Cryptococcosis", <i>Antimicrobial Agents and Chemotherapy</i> , 1997, Vol. 41, pp. 2333-2338			
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		Esposito, A. et al. "An assessment of the factors contributing to the killing of type 3 <i>Streptococcus pneumoniae</i> by human polymorphonuclear leukocytes <i>in vitro</i> ", <i>APMIS</i> , 1990, Vol. 98, pp. 111-121			
		Freeman, A. et al. "Effect of processing parameters on the feasibility and operational stability of immobilized viable microbial cells", <i>Enzyme and Microbial Technology</i> , 1998, Vol. 23, pp. 335-345			
		Guckian, J. et al. "The Role of Opsonins in Recovery from Experimental Pneumococcal Pneumonia", <i>The Journal of Infectious Diseases</i> , 1980, Vol. 142, pp. 175-190			
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		Liu, X. et al. "High-throughput imaging of bacterial colonies grown on filter plates with application to serum bactericidal assays", <i>Journal of Immunological Methods</i> , 2004, Vol. 292, pp. 187-193			
		Loferer, H. et al. "Integrated bacterial genomics for the discovery of novel antimicrobials", <i>Drug Discovery Today</i> , 2000, Vol. 5, pp. 107-114			
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		Maslanka, S. et al. "Standardization and a Multilaboratory Comparison of <i>Neisseria meningitidis</i> Serogroup A and C Serum Bactericidal Assays", <i>Clinical and Diagnostic Laboratory Immunology</i> , 1997, Vol. 4, pp. 156-167			
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Examiner Signature	Date Considered
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Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Mittelman, M. et al. "Bacterial Cell Size And Surface Charge Characteristics Relevant to Filter Validation Studies", PDA Journal of Pharmaceutical Science & Technology, 1998, Vol. 52, pp. 37-42
		Nahm, M. et al. "A Modified Farr Assay Is More Specific than ELISA for Measuring Antibodies to <i>Streptococcus pneumoniae</i> Capsular Polysaccharides", The Journal of Infectious Diseases, 1996, Vol. 173, pp. 113-118
		Obaro, S. et al. "Defective antibody-mediated opsonisation of <i>S. pneumoniae</i> in high risk patients detected by flow cytometry", Immunology Letters, 1996, Vol. 49, pp. 83-89
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		Vioarsson, G. et al. "Opsonization and Antibodies to Capsular and Cell Wall Polysaccharides of <i>Streptococcus pneumoniae</i> ", The Journal of Infectious Diseases, 1994, Vol. 170, pp. 592-599
		Winkelstein, J. et al. "The Role of C3 as an Opsonin in the Early Stages of Infection (38815)", Proceedings of the Society for Experimental Biology and Medicine, 1975, Vol. 149, pp. 397-401
		Zangwill, K. et al. "Duration of Antibody Response after Meningococcal Polysaccharide Vaccination in US Air Force Personnel", The Journal of Infectious Diseases, 1994, Vol. 169, pp. 847-852

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